

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CITY OF DAYTON,	:	
	:	
Plaintiff,	:	Case No. 3:18-CV-331
	:	
v.	:	Judge Sargus
	:	
3M COMPANY, et al.,	:	Magistrate Judge Deavers
	:	
Defendants.	:	
	:	

**DEFENDANTS' UNOPPOSED JOINT MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S COMPLAINT**

Pursuant to Local Rule 6.1(a) and 7.3(a), Defendants 3M Company; Tyco Fire Products LP; Chemguard, Inc.; Buckeye Fire Equipment Company; and National Foam, Inc., by their attorneys, jointly move for additional time, until December 20, 2018, within which to move, answer or otherwise respond to Plaintiff's Complaint. Counsel for Plaintiff has been consulted and consents to this extension. If the Defendants move to dismiss Plaintiff's Complaint, the parties agree, subject to this Court's approval, that Plaintiff may have until January 25, 2019 to respond to that motion.

A Memorandum in Support of this Motion is submitted herewith, and a proposed order is being delivered by e-mail to the Court.

Dated: October 29, 2018

Respectfully submitted,

/s/ Liam J. Montgomery

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MEMORANDUM IN SUPPORT

Pursuant to Local Rule 6.1(a), Defendants 3M Company; Tyco Fire Products LP; Chemguard, Inc.; Buckeye Fire Equipment Company; and National Foam, Inc. (collectively, “Defendants”) respectfully and jointly request an extension of time exceeding twenty-one days in which to move, answer or otherwise respond to the Complaint. Specifically, Defendants seek an extension until December 20, 2018. In support of this request, Defendants state as follows.

Plaintiff City of Dayton (“Plaintiff”) filed the complaint in this case on October 3, 2018. *See* Compl., ECF No. 1. On October 22, 2018, Plaintiff filed the return summons, and the Court’s docket entry indicated the following answer dates for the Defendants: 3M Company’s answer due November 8, 2018; Buckeye Fire Equipment Company’s answer due November 8, 2018; Chemguard, Inc.’s answer due November 8, 2018; National Foam, Inc.’s answer due November 7, 2018; and Tyco Fire Products LP’s answer due November 7, 2018. *See* ECF No. 9.

Defendants jointly move for an extension until December 20, 2018 to move, answer, or otherwise respond to the Complaint. This request for an extension of time is not meant for the purpose of delay and is Defendants’ first request for an extension. Counsel for Plaintiff has been consulted pursuant to Local Rule 7.3(a) and has agreed to the requested extension of time. If the Defendants move to dismiss Plaintiff’s Complaint, the parties have agreed, subject to this Court’s approval, that Plaintiff may have until January 25, 2019 to respond to that motion.

Dated: October 30, 2018

Respectfully submitted,

/s/ Liam J. Montgomery

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Attorneys for Defendant 3M Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of October, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel registered with CM/ECF.

/s/ Jonathan P. Corwin
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